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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,790	12/09/2003	Michael Kilian	E0295.70190US00	4910

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EXAMINER

OMOSEWO, OLUBUSOLA

ART UNIT	PAPER NUMBER
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2168

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/731,790

Applicant(s)

KILIAN ET AL.

Examiner

OLUBUSOLA ONI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 65-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 65-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: Amendment, filed on 11/17/2006.

2. Claims 1-64 have been cancelled. Claims 65-78 are new.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 65-78 are rejected under 35 U.S.C. 102(e) as being anticipated by Stuart et al. (Pat No: U.S 20050055519) hereinafter "Stuart"

For claim 65, Stuart teaches "method of processing data in a computer system comprising at least one host and at least one storage system, the method comprising acts of receiving a request, from the host, to delete a unit of data stored on the storage system" (See paragraph [0020, fig. 4&fig.9])
"determining whether a previously-defined retention period for the unit of data has expired"(See paragraph [0019-0020] & fig. 9)

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“when it is determined in the act (B) that the retention period for the unit of data has not expired, denying the request to delete the unit of data”(See paragraph [0019-0020], fig. 9)

“when it is determined in the act (B) that the retention period for the unit of data has expired, deleting the unit of data” (See paragraph [0093-0094], fig. 9)

For claim 66, Stuart teaches “wherein the acts (A), (B) and (C) are performed by the storage system” (See paragraph [0007], [0022-0024] & fig. 1)

For claim 67, Stuart teaches “further comprising an act (D) of, prior to performing the acts (A), (B) and (C), receiving information specifying the retention period for the unit of data”(See paragraph [0032-0033]& fig. 4)

For claim 68, Stuart teaches “ further comprising acts of, prior to performing the acts (A), (B) and (C) receiving the unit of data at the storage system” (See paragraph [0007], [0039-0041]

“writing the unit of data to the storage system” (See paragraph [0008])

For claim 69, Stuart teaches “receiving information specifying the retention period for the unit of data along with the unit of data” (See paragraph [0032-0033]& fig. 4)

“writing the information specifying the retention period to the storage system” (See paragraph [0039-0042])

For claims 70-74 these claims are rejected on grounds corresponding to the arguments given above for rejected claims 65-69 and are similarly rejected.

For claim 75 this claim is rejected on grounds corresponding to the arguments given above for rejected claim 65 and is similarly rejected.

For claims 76-78 these claims are rejected on grounds corresponding to the arguments given above for rejected claims 67-69 and are similarly rejected.

Response to Argument

4. Applicant's arguments filed November 17, 2006 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's argument.

Applicant argued that Stuart does not teach or suggest the limitation "directly deleting...request". On the contrary, Stuart teaches at paragraph 0093-0094, with respect to fig. 9, upon receiving a request or command to delete a record, if the retention period has expired, then the delete operation will be performed, therefore teachings are synonymous. Applicant argued that Stuart is silent as to if the erasing of the file is performed directly. However, in applicant's claims the unit content is directly deleted once it has expired, likewise Stuart's teachings indicated that upon

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confirming that the retention period has expired, the delete operation would be performed. Therefore, applicant's invention functions in the same way as Stuart's: i.e. the delete operation takes place right away, in response to the request if the retention period has expired. Thus, the claimed invention is not distinct over the prior art of Stuart as argued by the applicant.

CONCLUSION

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUBUSOLA ONI whose telephone number is 571-272-2738. The examiner can normally be reached on 10.00-6.30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OLUBUSOLA ONI
Examiner
Art Unit 2168

KBP



TIM VO
SUPERVISORY PATENT EXAMINER
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